

By: Guillen

H.B. No. 3280

A BILL TO BE ENTITLED

AN ACT

relating to additional virtual instruction at public and private elementary and secondary schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle F, Title 2, Education Code, is amended by adding Chapter 30B to read as follows:

CHAPTER 30B. ADDITIONAL VIRTUAL INSTRUCTION

Sec. 30B.001. DEFINITIONS. In this chapter:

(1) "College or university charter school" means a school that has been granted a charter under Subchapter E, Chapter 12.

(2) "Home-schooled student" means a student who predominantly receives instruction in a general elementary or secondary education program that is provided by the parent or a person standing in parental authority, in or through the child's home.

(3) "Private or independent institution of higher education," "public junior college," and "public senior college or university" have the meanings assigned by Section 61.003.

(4) "Private school student" means a student who attends a private school.

(5) "Public institution" means a school district, open-enrollment charter school, college or university charter school, public senior college or university, or public junior

1 college.

2 Sec. 30B.002. PROVISION OF INSTRUCTION. (a) Except as  
3 provided by Subsection (c), a public institution, private or  
4 independent institution of higher education, or a private school  
5 may offer for credit an electronic course or program:

6 (1) that includes use of:

7 (A) the Internet;

8 (B) computer software;

9 (C) online services; or

10 (D) another electronic medium or means of  
11 conveying information;

12 (2) in which a student and teacher are in different  
13 locations for a majority of the student's instructional period; and

14 (3) in which a student is not required to be located on  
15 the physical premises of a school district or open-enrollment  
16 charter school or the institution or school providing the course or  
17 program.

18 (b) An electronic course or program offered by a public  
19 institution under this chapter must include the essential knowledge  
20 and skills and any other content requirements identified under  
21 Subchapter A, Chapter 28.

22 (c) If the commissioner finds that an electronic course or  
23 program offered under this chapter does not meet the requirements  
24 of Subsection (b), the commissioner may prohibit the provider from  
25 offering the electronic course or program under this chapter. An  
26 order by the commissioner under this subsection may be appealed to  
27 the State Board of Education. The finding of the board is final.

1       (d) A school district or open-enrollment charter school may  
2 offer an electronic course or program under this chapter only if the  
3 district is rated acceptable under Section 39.054.

4       (e) An electronic course or program offered under this  
5 chapter may be offered to any public school student, home-schooled  
6 student, or private school student in this state or to any student  
7 outside this state.

8       Sec. 30B.003. COURSES OFFERED BY SCHOOL DISTRICT,  
9 OPEN-ENROLLMENT CHARTER SCHOOL, OR COLLEGE OR UNIVERSITY CHARTER  
10 SCHOOL. (a) A school district, open-enrollment charter school, or  
11 college or university charter school:

12               (1) may not charge tuition for participation in an  
13 electronic course or program offered under this chapter; and

14               (2) shall charge a student a fee comparable to a fee  
15 charged to a regularly enrolled student for participating in the  
16 electronic course or program.

17       (b) A school district, open-enrollment charter school, or  
18 college or university charter school may include a home-schooled or  
19 private school student participating in an electronic course or  
20 program offered under this chapter as a student in the attendance of  
21 the district or school for that day. The student's attendance shall  
22 be included in proportion to the amount of time the student receives  
23 services or participates in an electronic course or program, as  
24 determined under rules adopted by the commissioner.

25       (c) A school district, open-enrollment charter school, or  
26 college or university charter school may include a student enrolled  
27 in the district or school who is participating in an electronic

1 course or program offered under this chapter by another district or  
2 school as a student in the attendance of the district or school for  
3 that day.

4 (d) A school district, open-enrollment charter school, or  
5 college or university charter school offering an electronic course  
6 or program under this chapter may by contract with another  
7 district, open-enrollment charter school, or college or university  
8 charter school charge the other district or school a fee for  
9 participation in the course or program by a student enrolled in the  
10 other district or school. A student who is participating in an  
11 electronic course or program offered under this subsection shall be  
12 counted as a student for that day in the attendance of the district  
13 or school in which the student is enrolled.

14 Sec. 30B.004. COURSES OFFERED BY PUBLIC OR PRIVATE  
15 INSTITUTION OF HIGHER EDUCATION OR PRIVATE SCHOOL. (a) A public  
16 senior college or university, public junior college, private or  
17 independent institution of higher education, or private school may  
18 charge tuition for participation in an electronic course or program  
19 offered under this chapter.

20 (b) The tuition charged under Subsection (a) must equal 75  
21 percent of the average amount of state and local funds for  
22 maintenance and operations a school district receives for a student  
23 in average daily attendance for the amount of time the student  
24 receives services or participates in the electronic course or  
25 program, as determined under rules adopted by the commissioner.

26 (c) The tuition charged under Subsection (a) may be charged:

27 (1) by contract to a school district, open-enrollment

1 charter school, or college or university charter school whose  
2 student takes an electronic course or program offered under this  
3 chapter; or

4 (2) to the state under this program through a  
5 scholarship based on enrollment of eligible students.

6 Sec. 30B.005. PARTICIPATION. The institution or school  
7 providing an electronic course or program under this chapter shall  
8 adopt procedures for verifying the participation of a student  
9 enrolled in the course or program.

10 Sec. 30B.006. APPLICABILITY OF ACCOUNTABILITY  
11 REQUIREMENTS. Chapter 39 applies to an electronic course or  
12 program offered by a school district or open-enrollment charter  
13 school under this chapter in the same manner in which that chapter  
14 applies to any other course or program offered by the district or  
15 school.

16 Sec. 30B.007. PARTICIPATING SCHOOL AUTONOMY. A  
17 participating private or independent institution of higher  
18 education or private school is autonomous and not an agent of the  
19 state or federal government. The Texas Education Agency or any  
20 other state agency may not in any way regulate the educational  
21 program of a participating private or independent institution of  
22 higher education or private school that accepts a virtual education  
23 scholarship. The creation of a program under this chapter does not  
24 expand the regulatory authority of the state, its officers, or a  
25 school district to impose an additional regulation of nonpublic  
26 institutions or schools beyond those necessary to enforce the  
27 requirements of the program.

1           SECTION 2. Chapter 30B, Education Code, as added by this  
2 Act, applies beginning with the 2011-2012 school year.

3           SECTION 3. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2011.